

Notice of Allowability

Application No.

09/866,251

Examiner

Srirama Channavajjala

Applicant(s)

CHEFALAS ET AL.

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/5/05.
2. ☒ The allowed claim(s) is/are 1-61.
3. ☒ The drawings filed on 25 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>3/10/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

PD

DETAILED ACTION

1. Examiner acknowledges applicant's Appeal Brief under 37 CFR 41.37 filed on 4/5/2005
2. Examiner acknowledges applicant's response filed on 02 July 2004.
3. Examiner noted applicant's amendment to the specification on page 1, line 7-12.

Drawings

4. The drawings filed on 5/25/2001 are approved by the Draftsperson under 37 CFR 1.84 or 1.152.

Information Disclosure Statement

5. The information disclosure statement filed on 8/6/2004, 10/20/2004 comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609, and considered, a copy of PTO-1449 is hereby enclosed with previous office action,
6. The information disclosure statement filed on 3/11/2004, paper no. # 2 comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609, and considered, a copy of PTO-1449 is hereby enclosed with this office action, paper no. # 3.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Pursuant to MPEP 606.01 the **Title** is changed to read:

**--- METHOD AND SYSTEM FOR PROCESSING BACKUP DATA
ASSOCIATED WITH APPLICATION, QUERYING METADATA FILES DESCRIBING
FILES ACCESSED BY THE APPLICATION ---**

Allowable Subject Matter

Reasons for indicating allowable subject matter

The present application has been thoroughly reviewed, upon searching a variety of databases, the examiner submits that claims 1-61 are allowable in light of the applicant's arguments at page 11-19 in Appeal Brief filed on 4/5/2005, and in light of the prior art made of record.

The newly cited art "Protecting file systems: A survey of backup techniques", published 1998, by Ann.L. Chervenak et al. is directed to backup techniques for protecting file system, more specifically, backups techniques including file system, creating instantaneous, copy-on-write snapshots of the file system as detailed in Abstract, 2.1 through 2.4.

The newly cited art WO 99/66401, published on 23 December 1999, is directed to backup and restore for heterogeneous file server environment, more specifically, file server that provides for backup and restore of files in heterogeneous file server, where metadata associated with each file by each model or protocol is preserved across backup and restore operations. In the file server records each element of Unix metadata as an NT extended attribute for use by NT backup element, further on restore, the file server restores those file attributes from the analogous record [see abstract, page 2, line 10-26].

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The newly cited art EP 1484680 A1 published on 08 December 2004 is directed to non-disruptive backup and data processing system, more specifically, creating backup copy of the data stored within the memory comprises the step of progressively traversing the memory to create a backup copy of a respective portion of the memory, the respective portion, preferably, being different to the current portion of the memory used by the first process [see Abstract, page 2, col 2, 0007-0008].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popvici, can be reached on 571-272-.4083. The fax phone numbers for the organization where the application or proceeding is assigned is 703/872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

sc
Patent Examiner.
April 18, 2005.



SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER